

August 8, 2000

The Salisbury Planning Board held its regular meeting on Tuesday, August 8, 2000, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: DeeDee Wright, Andy Storey, Elaine Stiller, Mark Lewis, Jeff Sowers, Leigh Ann Loeblein, Fred Dula, Sean Reid, John Daniels, Jeff Smith

ABSENT: Mark Perry, Ken Mowery

STAFF: Harold Poole, Patrick Kennerly, David Phillips, Dan Mikkelson, Janice Hartis

The meeting was called to order by Chairman Lewis. The minutes of July 11, 2000, were approved as published.

RECOGNITION

Chairman Lewis recognized former Planning Board member Stan Jordan whose term expired this year. Mr. Jordan served on the board for five years and served as both chairman and vice chairman of numerous committees. Chairman Lewis presented him with a Certificate of Appreciation in recognition of his valuable contributions to the Planning Board.

ZONING MAP AMENDMENTS

Z-14-00 Delas Byers, 127 North Fulton Street

Location: 127 North Fulton Street (corner of North Fulton and West Council streets intersection)

Size: Approximately 8,800 square feet

Existing Zoning: B-1 Office Institutional

Proposed Zoning: B-CS Convenience Service Business

(a) Chairman Lewis convened a courtesy hearing on Z-14-00.

Those speaking in favor of the zoning change request:

None

Those speaking in opposition to the zoning change request:

--Ed Sullivan, 221 Bethel Drive; serves as chairman of Sacred Heart Parish Council. The church requests that the Planning Board deny the request. B-CS is a broad classification which permits uses not suitable for the area. Three of the four corners include establishments that promote community gatherings on a daily basis. The potential for changes to this community atmosphere by favoring this proposed rezoning is not in the interest of the church.

--Graham Carlton, 118 North Fulton Street. The majority of the uses around the area are churches, residences and restricted office institutional-type uses. To put something with such a broad category like convenience stores, possibly an ABC store, would be terribly inappropriate.

Four people stood in favor of the rezoning and two stood in opposition.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Jeff Smith – B-CS doesn't look terrible, but at the same time doesn't think he could vote in favor of rezoning due to the number of permitted uses in the district.

Jeff Sowers – Concurs with Jeff. On the surface, he's not against the use of a hair salon. This would be okay for a neighborhood use. The number of uses the B-CS allows increases to 81 from 38 uses permitted in the existing B-1 district. There's a lot of uses which could locate on the property once rezoned that would not be favorable for this neighborhood.

Sean Reid – We shouldn't worry too much about a convenience store locating on this property due to the size of the property. Maybe the Board should look at an "S" district.

Sean Reid moved to send this request to a committee to consider an "S" district. The motion was seconded by Fred Dula with all members voting AYE except John Daniels who voted NAY. The motion carried. Chairman Lewis referred the case to Committee 1 (Reid, Sowers, Dula, Perry).

Z-15-00 Curry W. Krider, properties between Interstate 85 and Town Creek

Location: Generally bounded by Interstate 85, the rear portion of properties on Harrel Street in Fairview Heights, Town Creek, and the rear portion of Howard Johnson Express hotel property off East Innes Street.

Size: Approximately 44 acres

Existing Zoning: B-4 Highway Business; M-1 Light Industrial; and M-1/GD-A Light Industrial with General Development "A" overlay

Proposed Zoning: B-7 Limited Business District

Before the Chairman opened the Courtesy Hearing, Attorney Glenn Ketner, representing Curry Krider, indicated that Mr. Krider might be slightly premature in this request for rezoning. There may need to be some modifications in the proposed rezoning. Sign issues and how the property is to be developed need to be considered before pursuing the rezoning. Andy Storey moved to defer the matter to the September meeting. The motion was seconded by John Daniels, with all members voting AYE.

Z-13-00 Salisbury City Council, 2910 South Main Street

Location: 2910 South Main Street (between American Drive and Nesbit Drive)

Size: Approximately 15,750 square feet

Existing Zoning: B-6 General Business

Proposed zoning: B-4 Highway Business

Staff Planner Patrick Kennerly explained that the Planning Board had recently considered a zoning text amendment, requested by Mrs. Dorothy Dalton, to allow fortune tellers and related uses in the B-6 district. This is a permitted use in the B-4 Highway Business District, but stipulates the business cannot be in conjunction with a residence. The text amendment also requested the removal of the terminology "...but not in conjunction with a residence" from the fortune teller permitted use. Both the Planning Board and City Council denied the text amendment. However, City Council seemed to feel that the current ordinance was overly restrictive relating to these types of uses. These uses have to be allowed somewhere, and the area on South Main Street under consideration would probably be a suitable area for it. The Council did not want to open up all the B-6 areas to this type of use. The Council made a two-part referral back to Planning Board to consider rezoning the property on South Main Street to B-4 and to also reconsider the text amendment.

(a) Chairman Lewis convened a courtesy hearing on Z-13-00.

Those speaking in favor of the zoning change request:

--Todd Paris, attorney representing Dorothy Dalton. There are only two small areas zoned B-4 where Mrs. Dalton could have her business. The City Council realized the city has to make a reasonable accommodation for an otherwise legal business. The easiest way to make accommodation for Mrs. Dalton is to rezone her property in an area which is primarily commercial. Her business is the only one in all the businesses in the city that is singled out for not being a home business.

--Dr. Ted James, owner of the property in question.

Those speaking in opposition to the zoning change request:

--None

The chairman closed the courtesy hearing on this case.

Four people stood in favor of the request and no one stood in opposition.

(b) Board Discussion:

DeeDee Wright – Does not agree to rezoning the property just to accommodate the existing business. We're setting a bad precedent by making a favorable recommendation.

Sean Reid – We've got to have somewhere for this business to take place. It seems logical that you would want this business on the outskirts of town instead of in the heart of the city. This area of U. S. 29 is turning commercial. This would not be a detriment to the neighborhood and would give Mrs. Dalton a chance to have a business.

Mark Lewis – We’re looking at a downzoning from a B-6 to B-4 as well as a reduction in the number of permitted uses from 144 in B-6 to 109 in B-4.

Andy Storey moved to recommend the rezoning as proposed. The motion was seconded by Sean Reid with all members voting AYE except DeeDee Wright and John Daniels who voted NAY. The motion carried.

ZONING TEXT AMENDMENTS

(1) Eliminating the requirement in the B-4 district that fortune tellers not be in conjunction with a residence.

(a) Chairman Lewis convened a courtesy hearing on the proposed zoning text amendment.

Those speaking in favor of the zoning text amendment:

-- Todd Paris, attorney representing Dorothy Dalton.

-- Mrs. Dorothy Dalton

-- Dr. Ted James

Those speaking in opposition to the proposed zoning text amendment :

--None

The chairman closed the courtesy hearing on this amendment.

(b) Board Discussion:

Jeff Smith – This looks like a good compromise. There are still limited locations of B-4 zoning and is against singling out this business.

John Daniels – Although opposed to the rezoning, he’s not opposed to the zoning text amendment. There are many other businesses operated out of homes and this one should not be excluded.

Sean Reid - If this is going to be close to a neighborhood, we don’t want to create something that’s going to generate a lot of traffic.

On a motion by Fred Dula, seconded by Jeff Smith, with all members voting AYE, except DeeDee Wright who voted NAY, the following text amendment was recommended to City Council for their consideration: amend Section 8.37, Highway Business (B-4), to rewrite the permitted use dealing with fortune tellers to read “Fortune tellers, palm readers, psychics, astrologers, tarot card readers, and other related uses.”

(2) Visual Corridor Overlay District (VCOD)

It was a goal of City Council to improve the Innes Street corridor. The Council appointed an Innes Street Vision Committee which developed the Visual Corridor Overlay District. The proposed overlay district was sent to Planning Board for their consideration. It was referred to the Planning Board Visual Corridor Overlay District committee which studied the Vision Committee’s proposed draft and subsequently developed a new version. This Planning

Board committee version was sent to the Planning Board members as well as members of the Community Appearance Commission and members of the Innes Street Vision Committee.

The two versions have a lot of similarities, with some basic differences. One difference is the establishment of an Architectural Review Committee in the Vision Committee's version. In looking at what is being done around the state pertaining to this sort of district, in talking with the Institute of Government, and in talking with other planners, it was discovered there is nothing in the state statutes that authorizes cities to establish such a committee. The Planning Board's version does not include this.

Another change deals with signs. After looking at other ordinances and talking with people in other states, everyone indicates that signs have to be an integral part of what you're creating. Signs were not addressed at length in the Innes Street Vision Committee version.

Mr. Poole briefly explained the purpose, applicability, uses prohibited, signage, amortization of existing signs (those signs erected in violation of the sign ordinance adopted May, 1986, shall be brought into compliance with the VCOD requirements within three years of the date of adoption; permitted signs erected since May, 1986, shall be brought into compliance within six years of the date of adoption), proposed signage in the VCOD, development standards, development standards for parking lots, parking lot screening, and design standards. At this point we're only talking about the establishment of a new district and not talking yet about applying to any particular area in Salisbury. That would be the next step.

(a) Chairman Lewis convened a courtesy hearing on the proposed zoning text amendment.

Glenn Ketner indicated he had some concerns. A lot of the language seems to be highly subjective. Feels it would be a serious mistake for an ordinance such as this to be adopted without applying it to specific areas. If Innes Street is the target for this ordinance, let's see what the effect will be on Innes Street. A lot of the buildings in existence were designed at a time when the parking was in front of the business. There probably is not room in the rear for an entrance. Where will the loading and unloading of trash for commercial buildings take place under the new ordinance? Concerned with the amortization of signs. Should consider grandfather existing signs and buildings and not have the nonconformity provisions.

The chairman closed the courtesy hearing on this zoning text amendment.

(b) Board Discussion:

Jeff Sowers – Said he was a member of the original Innes Street Vision Committee. When they were developing the regulations, the committee was looking specifically at the area of Innes Street from the interstate to Craige Street. Questioned why the Planning Board was not looking at this area to apply the VCOD, because the document was written for that area.

Harold Poole – He agreed in part, but said that the VCOD should not be considered just for the Innes Street Corridor. If the VCOD is approved by City Council, they will send a referral back to Planning Board to look at this particular segment. The problem with trying to put together an ordinance and, at the same time, recommend a particular road segment is that a lot of

people will come in from that road segment and ask that the ordinance be changed to fit their particular needs. There would be negotiating on numbers as to what to do in particular areas, and that sacrifices, to a certain extent, the whole ordinance. It would be preferable to adopt an ordinance before we start looking at identifiable segments.

Jeff Sowers – Since there can't be an Architectural Review Committee, he feels there are several things that could be strengthened such as having a list of approved exterior building materials, what type of roof is required, what type of material for the roof, paving surfaces, entryways, the elevation study, site plan review, and elevations of front facades. These could be added in the Design Standards section. Everyone is concerned with the impression Innes Street gives to visitors. Right now, the current development is not what we want as an impression. This ordinance is a step in the right direction and will take time to achieve what is proposed. This is what we need to give this a sense of place. A lot of people only see Salisbury from "hamburger alley" and do not get to go to other sections of the city to experience some of the grand places that Salisbury has.

Jeff Smith – This is going to directly affect a lot of people. We probably should look at where we would consider placing this district and make sure that we get the input of those people affected before we take any action so that we make the ordinance the best it can be. He wants to see the signs come down off Innes Street. But he's not sure that the amortization schedule listed in the ordinance is appropriate. He would like to have more input from the people it's going to affect. Need to consider appropriate signage for multiple tenants in a building. It doesn't look like the ordinance addresses this issue. He suggested looking at the areas where we are interested in placing the district and make sure those folks are aware of what is being proposed so that the board could get public input. We need to look to see where this district may be applied.

Elaine Stiller – The committee has been working on this for months. This is not a new concept. We are not talking about immediate change. We're not going down Innes Street and bulldoze everything down and force everyone to come into compliance. This is a long-term process. It is important that we think to the future.

DeeDee Wright – We need to go one step beyond the newspaper advertisement and notify business managers.

Leigh Ann Loeblein – If you think back six years ago when the Urban Design Assistance Team came for a week and developed the Innes Street Corridor Study, signs and overhead powers lines was the number one issue that they thought should be removed from the Innes Street entrance.

Sean Reid – Just develop a general form. When it hits certain areas, that's where you're going to have the arguments. Using the historic district as an example, it was applied to several areas, but when it was applied to the Brooklyn-South Square area, several amendments were made to the requirements in order for the district to apply to that area. When a specific problem arises with the overlay district, people can ask Council to make changes to the ordinance. If we have a basic ordinance, we can add on or subtract when a specific problem comes along for a

certain area. Go with a general outline and fill in with specifics as time changes or as public opinion changes.

Leigh Ann Loeblein moved to refer the issue back to the VCOD committee to input some of the comments made at today's meeting, such as site plan review, approved building materials, paving surfaces, and being more specific of several items. The motion was seconded by DeeDee Wright with all members voting AYE.

Sean Reid asked that Innes Street be used as an example for the district and contact the businesses. Mark Lewis indicated that the committee chair can choose to invite anybody the committee wants. Jeff Smith also indicated he would like to see public input. He would like to see the issue come back out of committee with a particular area, if not more than one, in place so that we can have another courtesy hearing with specific owners contacted.

(3) Cell Towers

Patrick Kennerly indicated that the committee has developed standards relating to zoning issues, co-location, setbacks, fencing, lighting, signage, height of tower, etc. The issue will be addressed in both the zoning ordinance and the City Code. Because the regulations are so technical, the city is going to hire a consultant to enforce what goes into the City Code. To avoid duplication, what staff is recommending is to take the committee recommendation and incorporate them into the city code which will be enforced by the consultant. The only thing that we need to put into the zoning ordinance would relate to the districts that the towers would be allowed in. Currently towers are permitted in B-4 and higher districts in the cumulative ordinance. What the committee is recommending is to allow stealth towers and monopoles to locate in the B-4 and higher districts and the A-1 districts. The larger lattice and guyed towers would be restricted to the industrial districts. Antennas on existing buildings would be permitted in all districts, including residential.

(a) Chairman Lewis convened a courtesy hearing on the proposed zoning text amendment.

Al Linker, Telecommunication Manager with the city. This is an overall effort by the city to try to regulate cell towers in a more effective way. This doesn't mean we're going to have any more or any less than we've had in the past. It just means, we're getting more and we're trying to control them. With the setbacks being proposed, this will restrict where these towers can locate. He is requesting that the height limit of cell towers be changed to 140 feet rather than the 110 feet as proposed. The proposed ordinance is very restrictive and highly technical.

The chairman closed the courtesy hearing on this zoning text amendment.

(b) Board Discussion:

The committee's recommendation comes as a motion to approve the ordinance. The motion was seconded by Sean Reid with all members voting AYE.

GROUP DEVELOPMENT

G-5-94 Towne Creek Commons, East Innes Street (out parcel 5, Pizza Hut)

A site plan was presented for the construction of a Pizza Hut on out parcel 5 in Towne Creek Commons. The Technical Review Committee recommends approval of this project noting the following conditions: (1) only non-invasive plantings shall be allowed within the 42-inch sanitary sewer easement; (2) all floodway information shall be coordinated with the Towne Creek Commons No Rise Flood Study; the subdivision final plat shall be submitted prior to City Council approval; and (4) the owner shall coordinate a future drainage easement at the northeast property line adjacent to the Comfort Suites property with NC DOT. Landscaping requirements within the drainage easement shall be met by the alternate methods of compliance. As per NC DOT requirements, no trees shall be permitted within the easement.

On a motion by Jeff Smith, seconded by Leigh Ann Loeblein, with all members voting AYE, the site plan, with above conditions, was recommended for approval.

COMMITTEE REPORTS

(1) Z-9S-00 Hipp Enterprises, West Innes Street near Lilly Avenue

Elaine Stiller reported for the committee. The applicant submitted a Special Use District application requesting rezoning from R-8 Single Family Residential to B-RT-S Special Retail Trade Business (a portion of this property is already zoned B-RT) with the following proposed uses: parking for B-RT uses and R-8 uses; proposed conditions: lighting directed toward the property in question. The committee reviewed the revised request and is recommending approval. This report comes to the Board in the form of a motion to approve. The motion was seconded by DeeDee Wright with all members voting AYE.

(2) Jake Alexander Blvd. Committee - DeeDee Wright gave a status report. The next committee meeting will involve walking the area noting positives and negatives.

(3) Legislative Committee – Jeff Sowers gave a status report. The committee is looking at housing types in the RD-A and RD-B zoning districts. Descriptions have been written and staff is working on sketches to go along with the descriptions. The committee is also looking at medical parking requirements. Right now medical parking is not treated any differently than any other commercial or business use. The committee is looking at increasing the requirements. Another item being considered is the maximum length of cul-de-sacs in subdivisions as well as a maximum length of street blocks.

SIDEWALKS, PLANTING STRIPS, BLOCK CURBING, ETC., IN FUTURE SUBDIVISIONS OUTSIDE RD-A AND RD-B DEVELOPMENTS

A courtesy hearing was held last month to receive public comment. Several people spoke in opposition to the proposed requirements being considered for implementation in new subdivisions. The matter was tabled in order to determine the next step. Chairman Lewis has talked with City Council and city staff regarding efforts of the Salisbury Vision 2020 group and the Planning Board and whether the Council would be in favor of appointing a task force to deal with potential subdivision ordinance changes. The City Council requested Planning Board to

handle the issue as it saw fit. Mr. Lewis stated a committee developed proposed changes to the subdivision ordinance and a courtesy hearing was held where we invited a number of developers for their input, all of which was negative. Several people expressed their willingness to work with the Planning Board to try and show us why they did not think it was a good idea. Rodney Queen, Victor Wallace and Johnny Safrit have expressed an interest in working with the Planning Board. After discussing several options, the board decided to refer it to a different committee composed of Jeff Smith, chair, Jeff Sowers, Leigh Ann Loeblein, Sean Reid and Mark Lewis.

RETREAT

Chairman Lewis said the retreat agenda would focus on group development site plan review and subdivision review, what we can and cannot do. The VCOD could also possibly be discussed at that time. The meeting will take place on Tuesday, August 29, at 5:30, at CCB.

There being no further business to come before the Board, the meeting was adjourned.

Secretary

Chairman